

## **UNAPPROVED MINUTES**

### **BOARD OF PHYSICAL THERAPY MEETING MINUTES**

The Virginia Board of Physical Therapy convened for a board meeting on Friday, April 3, 2009 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Conference Room #2, Henrico, Virginia.

#### **The following members were present:**

George Maihafer, Ph.D, P.T., President  
Maureen E. Lyons, P.T., Vice-President  
Peggy H. Belmont, P.T.  
Damien Howell, P.T.  
Robert Izzo, P.T.

#### **The following members were absent:**

Lorraine C. Quinn, P.T.A.  
J.R. Locke

#### **DHP staff present for all or part of the meeting included:**

Lisa R. Hahn, Executive Director  
Sandra Whitley Ryals, Director  
Elaine Yeatts, Senior Policy Analyst  
Missy Currier, Administrative Assistant  
Holly Manke, Administrative Assistant

#### **Representative from the Office of the Attorney General present for the meeting:**

Amy Marschean, Senior Assistant Attorney General

#### **Quorum:**

With 5 members present, a quorum was established.

#### **Guests Present:**

Dr. Senora Simpson, Federation of State Boards of Physical Therapy (FSBPT)  
Susan Layton, Federation of State Boards of Physical Therapy (FSBPT)  
Lisa Shoaf, Virginia Physical Therapy Association (VPTA)

#### **CALLED TO ORDER**

Dr. Maihafer, President, called the board meeting to order at 9:10 a.m.

## **ORDERING OF THE AGENDA**

The agenda was re-ordered to delay the Agency Director's Report and to begin with the presentation given by Susan Layton from FSBPT regarding the Practice Review Tool. The status of regulations was also added to the 2009 General Assembly tab given by Elaine Yeatts.

## **PUBLIC COMMENT PERIOD**

There was no public comment.

## **ACCEPTANCE OF MINUTES**

Upon a motion by Damien Howell and properly seconded by Robert Izzo, the Board voted to accept the minutes of the November 7, 2008 board meeting and the February 20, 2009 Legislative & Regulatory Committee meeting.

The motion passed unanimously.

## **AGENCY DIRECTOR'S REPORT – Sandra Ryals**

### **Virginia Performs**

Ms. Ryals stated that she had not yet received the 3<sup>rd</sup> quarter results yet but for the quarter ending December 31, 2008, the board met and exceeded the agency's goal with 100% rating for issuing licenses in less than 30 days. She stated the customer satisfaction rating two year goal is 97%; we are currently at 93%. Ms. Ryals further stated that the patient care cases closed within 250 days goal is currently at 50%. She explained that the lower percentage rate is miscued from an old case file which extended beyond 250 days and has not made its way through the averaging cycle.

Ms. Ryals gave a brief report on the Agency Legislation proposed at the 2009 General Assembly.

### **Other**

Mr. Howell inquired about the status of SRP. Ms. Ryals reported that VisualResearch, Inc. had just completed the compilation of data that will be used to evaluate and create Sanctioning Reference Guidelines (SRP) for the board.

Dr. Maihafer asked Ms. Ryals if she had any information regarding the current employment demand for Physical Therapists and Physical Therapist Assistants in the State of Virginia. Ms. Ryals stated that there has not been any recent data acquired but that within the next 2-4 years, there may be a sub-committee or specialty group formed to study the PT workforce.

## **EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn**

### **Staff**

Ms. Hahn introduced Holly Manke who has assumed the new responsibility as primary Administrative Assistant for the Board of Physical Therapy. Ms. Artis is out on approved leave until mid April. Rai Minor is maintaining her current position as Discipline Operations Manager as well as maintaining the licensure operations during Ms. Artis' absence. She also introduced Missy Currier who will be taking over the task of taking minutes of the meetings for all four of Ms. Hahn's boards.

### **Licensee Statistics**

Ms. Hahn reported there are currently 5,077 active licensed physical therapists and 1,983 physical therapist assistants for a total of 7,060 licensees.

### **Direct Access Certification**

Ms. Hahn stated there are currently 253 physical therapists licensed with direct access certification.

### **Discipline Statistics**

Ms. Hahn reported there are currently 10 open cases with 1 at the administrative proceedings level, 1 case at the probable cause level, and 8 are in Investigations. She stated that from July 1, 2008 through April 3, 2009, we received 17 cases, opened 10 and closed 14. Looking at the same time frame, from July 1<sup>st</sup> 2007 through April 3 2008, we received 11 cases, opened 14 and closed 15. From July 1, 2006 through April 3, 2007, we received 20 cases, opened 22, and closed 35.

### **Budget**

Ms. Hahn presented the board with the budget information as of February 28, 2009. She stated that the cash balance as of June 30, 2008 was \$183,097. The year to date revenue was \$752,865 and the direct and allocated expenditures totaled \$238,396. She stated that our cash balance as of February 28, 2009 was \$697,565.

Ms. Belmont inquired about the budget overage in Management and Informational Services specifically, 1242-Fiscal Services. Ms. Hahn responded that the amount consisted of fees charged to the board on each credit card transaction that is completed and that the line item may have been under budgeted for the year. Ms. Lyons questioned whether or not we were charged for the errors in double charging on some renewals. Ms. Hahn will research the issue and report back to the Board.

## **2009 Calendar**

Ms. Hahn stated the next board meetings are scheduled for July 10, 2009 and September 6, 2009.

## **NEW BUSINESS**

### **PRT Presentation – Susan Layton & Dr. Senora Simpson**

Dr. Maihafer introduced Dr. Simpson, Board Chair for the Maryland State Board of Physical Therapy and Liaison for Federation of State Boards of Physical Therapy (FSBPT) and said it was an honor to have her join the meeting.

Ms. Layton provided the board with an overall presentation of the Practice Review Tool (PRT) including its development, ways to implement it into our state, under what circumstances it should be used, and the advantages and disadvantages. She explained that the PRT provides an assessment of one's strength's and weaknesses and can be extremely useful in identifying specific areas that may require further training and concentration.

Ms. Layton mentioned that many people are intimidated by the exam and do not realize the examination is completely voluntary and the results are strictly confidential to the person who is taking the exam. She would like to see the board encourage the useful value of the exam.

Ms. Hahn thanked Ms. Layton for her wonderful and informative presentation and mentioned that PRT is something that we will need to add to our regulations.

### **Report of 2009 General Assembly – Elaine Yeatts**

Ms. Yeatts gave a brief report on the final status of the House and Senate Bills proposed at the 2009 General Assembly.

### **Adoption on Exempt Action on Address Changes Pursuant to SB1282**

Each licensee shall furnish the board his current name and address of record. All notices required by law or by this chapter to be given by the board to any licensee shall be validly given when mailed to the latest address of record provided or when served to the licensee. Any change of name or change in the address of record or the public address, if different from the address of record, shall be furnished to the board within 30 days of such change.

Upon a motion by Mr. Howell and properly seconded by Dr. Maihafer, the Board voted to amend regulation § 18VAC112-20-25 regarding current name and address.

The motion passed unanimously.

### **Notice of Intended Regulatory Action (NOIRA)**

Upon a motion by Mr. Howell and properly seconded by Ms. Lyons, the Board voted to accept the amended NOIRA.

The motion passed unanimously.

### **Guidance Document 112-15 - Supervision of unlicensed support personnel in hospital all settings.**

If a Physical Therapist is asked to provide a plan of care and sign off on care provided to patients by unlicensed support personnel (regardless of the title of such personnel) in ~~an inpatient hospital~~ any setting, then the PT is fully responsible for the actions of the unlicensed support personnel performing PT tasks. The tasks assigned must be under the direct supervision of the PT/PTA, meaning he or she is physically present and immediately available. The tasks assigned must be non-discretionary and can not require the exercise of professional judgment. If the tasks assigned in the plan of care are to be carried out in such a manner or at a location in which direct supervision from the PT/PTA is not possible, then the PT who developed the plan of care and signed off on the plan of care may be in violation of the regulations governing the practice of physical therapy, specifically 18VAC112-20-10 and 18VAC112-20-100.

Upon a motion by Mr. Howell and properly seconded by Ms. Lyons, the Board voted to amend Guidance document 112-15.

The motion passed unanimously.

### **Guidance Document 112-116 - Guidance on the Use of Your Professional Degree in Conjunction with Your Licensure Designation**

If initials designating an educational degree are used in connection with your name, they should be written in addition to and not instead of your licensure designation of PT or PTA.

Upon a motion by Ms. Lyons and properly seconded by Mr. Howell, the Board voted to approve Guidance Document 112-116 as written.

The motion passed unanimously.

### **Physical Therapy vs. Massage Therapy – Amy Marschean**

Ms. Marschean did extensive research regarding whether or not any legal standards exist regarding the issue of a licensed PT performing massage therapy on individuals. Although she was unable to find any legal standard that exists from case law, the Board agreed that the

licensee needs to be extremely clear to the patient which profession they are practicing and to clearly document their work.

### **Election of Officers**

Upon a motion by Mr. Howell and properly seconded by Ms. Lyons, the board nominated the re-election of Dr. Maihafer as Board President.

The motion passed unanimously.

Upon a motion by Mr. Howell and properly seconded by Ms. Belmont, the board nominated the re-election of Maureen Lyons as Vice-President.

The motion passed unanimously.

### **Board of Health Profession Report – Damien Howell, President**

Mr. Howell reported that the Board is working on reviewing Orthopedic Technologists and whether they should be regulated. The discussion is still at the board level and Mr. Howell will keep the board informed of any progress.

Dr. Maihafer congratulated Mr. Howell on his election as President on the Board of Health Professions.

### **Other Business**

The Board discussed the practice of physical therapists performing on animals within the veterinary practice. Ms. Hahn commented that current Veterinary laws and regulations consider anyone other than a veterinarian or vet technician, unlicensed persons with respect to veterinary medicine. Furthermore, physical therapist may only take their direction from a medical doctor. Therefore, Ms. Hahn explained that if they wanted to expand their scope of practice that the Virginia Code would need to be amended.

The Board discussed whether or not PTA's can take verbal orders from Physicians. They concluded that a PTA can deliver a verbal phone message to a PT, but that they cannot act on the message.

Ms. Hahn stated the emergency regulations for direct access have not yet been signed by the Governor and will expire on April, 29, 2009. She mentioned that anyone currently licensed for Direct Access will not be affected. Ms. Hahn will keep the board informed on the progress of the regulations and on how it will affect future applications.

Dr. Maihafer commended Ms. Hahn and Ms. Marschean for their hard work and dedication to the Board.

**ADJOURNMENT**

With all business concluded, upon a motion by Mr. Howell and seconded by Dr. Maihafer the meeting was adjourned at 12:00 noon.

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George Maihafer, Ph.D., PT, Chair

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Lisa R. Hahn, Executive Director

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Date

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Date

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